

**1480. Adulteration and misbranding of prophylactics. U. S. v. 19 Gross of Prophylactics. Default decree of destruction. (F. D. C. No. 13899. Sample No. 80939-F.)**

On or about October 9, 1944, the United States attorney for the Western District of Missouri filed a libel against 19 gross of prophylactics at Kansas City, Mo., alleging that the article had been shipped on or about August 30, 1944, by International Distributors, from Memphis, Tenn. The article was labeled in part: "Silver-Tex Prophylactics."

Samples of the article were found to be defective because of the presence of holes.

The article was alleged to be adulterated in that its quality fell below that which it purported and was represented to possess.

It was alleged to be misbranded in that the labeling statements, "Prophylactics" and "for the prevention of disease," were false and misleading since the article contained holes.

On November 16, 1944, no claimant having appeared, judgment was entered ordering the product destroyed.

**1481. Adulteration and misbranding of prophylactics. U. S. v. 38 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 13427. Sample No. 80284-F.)**

On August 25, 1944, the United States attorney for the Eastern District of Missouri filed a libel against 38 gross of prophylactics at St. Louis, Mo., alleging that the article had been shipped on or about August 3, 1944, from Indianapolis, Ind., by Donald Beaumont. The article was labeled in part: "deluxe Silver Ray."

Examination of samples disclosed that the article was defective in that it contained holes.

The article was alleged to be adulterated in that its quality fell below that which it purported and was represented to possess. It was alleged to be misbranded (1) in that the label statements, "Sold For Prevention of Diseases Only Triple Air Tested Guaranteed Five Years" and "deluxe Guaranteed 5 Years Disease Preventative," were false and misleading as applied to an article which contained holes; and (2) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On September 18, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\***

**DRUGS AND DEVICES FOR HUMAN USE**

**1482. Misbranding of Alliodis. U. S. v. 12 Cartons, 15 Cartons, and 1 Carton of Alliodis. Default decree of condemnation and destruction. (F. D. C. No. 14426. Sample No. 80951-F.)**

On November 15, 1944, the United States attorney for the Western District of Oklahoma filed a libel against 12 cartons, each containing 50 capsules, 15 cartons, each containing 100 capsules, and 1 carton containing 1,000 capsules of Alliodis at Oklahoma City, Okla., alleging that the article had been shipped on or about August 23 and September 19, 1944, by the Neuhaus Products Co., from Los Angeles, Calif.

Examination showed that the article was an olive oil extract of mascerated garlic.

The article was alleged to be misbranded in that certain statements in an accompanying circular entitled "Alliodis in Functional Hypertension" were false and misleading since they represented and suggested that the article was effective for the reduction of high blood pressure (hypertension), whereas the article was not effective for that purpose.

On January 10, 1945, no claimant having appeared, judgment of condemnation was entered and the product, together with the circular, was ordered destroyed.

**1483. Misbranding of Bennett's Pep-Em-Up. U. S. v. 45 Bottles of Bennett's Pep-Em-Up. Default decree of condemnation and destruction. (F. D. C. No. 12918. Sample No. 28878-F.)**

On or about July 15, 1944, the United States attorney for the Southern District of Florida filed a libel against 45 bottles, each containing 6 fluid ounces, of the

\*See also Nos. 1451, 1454, 1458-1460, 1462, 1470, 1477-1481.

above-named product at Jacksonville, Fla., alleging that the article had been shipped on or about March 24, 1944, from St. Louis, Mo., by the S. Pfeiffer Manufacturing Co.

Examination showed that the article was a brown liquid consisting essentially of water, alcohol (3.48 percent), and small amounts of plant extractives.

The article was alleged to be misbranded in that the name "Pep-Em-Up" and the following statements in its labeling were false and misleading: (Bottle label) "Stomachic and Stimulant to The Appetite"; (carton) "If this preparation is used according to directions, it will give beneficial results for the purposes or conditions for which it is recommended. The ingredients of this preparation are well and favorably known as meritorious and effective in conditions or for the purposes for which the preparation is recommended. \* \* \* The formula \* \* \* should prove beneficial if used according to instructions." The article would not be capable of fulfilling the promises of benefit stated and implied.

On August 4, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1484. Misbranding of 606 System Tonic. U. S. v. 100 Bottles and 16 Bottles of 606 System Tonic. Default decrees of condemnation and destruction. (F. D. C. Nos. 14030, 14031. Sample Nos. 68147-F, 68149-F.)**

On October 13 and 17, 1944, the United States attorney for the Northern District of Ohio filed libels against 116 bottles of 606 System Tonic at Cleveland, Ohio, alleging that the article had been shipped between the approximate dates of May 19 and August 24, 1944, by the Aetna Chemical Co., Detroit, Mich.

Examination of samples showed that the article consisted essentially of water, alcohol, potassium iodide, and extracts of plant drugs, including a laxative plant drug.

The article was alleged to be misbranded in that the statements which appeared on the label, "Double Strength 606 System Tonic \* \* \* For Tired and Run Down Condition \* \* \* a Spring and Fall Tonic," were false and misleading since the article would not be effective as a system tonic, as a "Spring and Fall Tonic," or for a tired and run-down condition; and it would not constitute a treatment for syphilis, as the name and numerals "606" implied.

On December 19 and 21, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1485. Misbranding of Thujanoids Rectal Cones. U. S. v. 21 Cartons of Thujanoids Rectal Cones. Default decree of condemnation and destruction. (F. D. C. No. 13445. Sample No. 72897-F.)**

On August 30, 1944, the United States attorney for the Northern District of California filed a libel against 21 cartons, each containing 2 dozen Thujanoids Rectal Cones, at San Francisco, Calif., alleging that the article had been shipped from New York, N. Y., by Akatos, Inc., on or about July 18, 1944.

Analysis showed that the article consisted essentially of mercurous iodide 0.138 grain per suppository, volatile oils, and extracts of plant drugs including hyoscyamus alkaloids.

The article was alleged to be misbranded in that the following statements on the leaflet in the cartons were false and misleading: "Prostatic Rectal Cones \* \* \* for the purpose of relieving the distressing symptoms of enlarged Prostate Gland. \* \* \* The treatment should be continued for at least six months. \* \* \* In severe cases \* \* \*. A marked recession, in the size of the gland, will be noted. \* \* \* The early use of this treatment gives marked relief, and in many cases will avert the necessity of a prostatectomy; or of the distressing punch operation." The article would not be effective in the treatment of prostatic conditions. It was alleged to be misbranded further in that its label failed to state the quantity of mercurous iodide and hyoscyamus alkaloids present in the article.

On April 2, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1486. Misbranding of Esscolloid Detergent. U. S. v. 56 Packages of Esscolloid Detergent and All Labeling and Accompanying Circulars. Default decree of destruction. (F. D. C. No. 14420. Sample No. 87377-F.)**

On November 15, 1944, the United States attorney for the District of Minnesota filed a libel against 56 packages of Esscolloid Detergent, including all labeling and accompanying circulars, at Minneapolis, Minn., alleging that the article had been shipped on or about October 10, 1944, by the Esscolloid Company, Inc., from New York, N. Y.